

REMARKS/ARGUMENTS

This Amendment is submitted in reply to the Office Action dated January 18, 2007, and within the three month period for reply extending to April 18, 2007.

Claims 1, 3-5, 7, 9, 12, 15, 17-26 are currently amended.

5 Claims 1-26 remain pending.

Rejections under 35 U.S.C. 102

Claims 1-2, 8-10, 12-13, 15-19, 21-22, and 24-26 were rejected under 35 U.S.C. 102(e) as being anticipated by Madsen et al. ("Madsen" hereafter) (U.S. Patent No. 7,137,105). These rejections are traversed.

Madsen teaches a method for monitoring software code as it is executed by a target CPU. Madsen (3:41-49) teaches replacement of standard software code function preamble and postamble instructions with an instruction that will generate an exception error and thereby cause a branch to a conventional exception vector table. Madsen (3:49-52) teaches that an exception routine is inserted into the exception vector table to be executed when the branch to the conventional exception vector table occurs. The exception routine can be defined to perform a number of instructions which facilitate monitoring of the software code as it is executed by the CPU. Madsen (3:52-57) teaches that following execution of the exception routine, a branch is made back to the software code to continue its execution from the point wherein the original branch to the conventional exception vector table occurred.

Claim 1 has been amended to clarify that the original set of instructions which define the program does not include an instrumentation instruction. Thus, according to amended claim 1 the original set of instructions that is executed does not include an instrumentation instruction. Madsen (3:41-49) teaches that each of a number of function

preamble and postamble instructions within the software code, i.e., the original code, is replaced by an instruction that will generate an exception error and thereby cause a branch to a conventional exception vector table. The exception error inducing instructions used to replace the function preamble and postamble instructions in the method of Madsen

5 constitute instrumentation instructions. Therefore, Madsen teaches that the software code is instrumented by replacing the function preamble and postamble instructions with exception error inducing instructions which will cause a branch to the conventional exception vector table. Consequently, Madsen does not teach execution of an original set of instructions that does not include an instrumentation instruction, as required by claim

10 1.

Amended claim 1 further recites an operation for obtaining an instrumented version of the original set of instructions, wherein the instrumented version of the original set of instructions includes each instruction in the original set of instructions and a number of instrumentation instructions defined to generate traces. Additionally, amended

15 claim 1 recites that the number of instrumentation instructions are dispersed in a substantially uniform manner throughout the instrumented version of the original set of instructions. Also, amended claim 1 recites that execution is switched from the original set of instructions to the instrumented version thereof upon encountering a first trigger condition. Further, amended claim 1 recites that execution is switched from the

20 instrumented version of the original set of instructions back to the original set of instructions upon encountering a second trigger condition.

It should be appreciated that the instrumented version of the original set of instructions, as recited in amended claim 1, includes each instruction in the original set of instructions along with the number of instrumentation instructions. The exception routine

25 of Madsen does not teach an instrumented version of the software code that includes each

instruction in the software code and a number of instrumentation instructions. Therefore, Madsen's teachings regarding the branching from the software code to the conventional exception vector table where the exception routine resides does not teach a switching of execution from an original set of instructions to an instrumented version of the original set of instructions as recited in amended claim 1. Moreover, Madsen does not teach a switching of execution from the instrumented version of the original set of instructions back to the original set of instructions as recited in amended claim 1.

In view of the foregoing, the Applicant submits that Madsen does not teach each and every feature of amended claim 1. For a claim to be anticipated under 35 U.S.C. 102, each and every feature of the claim must be taught by a single prior art reference. Therefore, the Applicant submits that amended claim 1 is not anticipated by Madsen under 35 U.S.C. 102. The Office is requested to withdraw the rejection of amended claim 1 under 35 U.S.C. 102.

Claim 9 has been amended to recite features similar to those features of amended claim 1 which distinguish from the teachings of Madsen, as discussed above with regard to amended claim 1. Therefore, the Applicant submits that Madsen does not teach each and every feature of amended claim 9. For a claim to be anticipated under 35 U.S.C. 102, each and every feature of the claim must be taught by a single prior art reference. Therefore, the Applicant submits that amended claim 9 is not anticipated by Madsen under 35 U.S.C. 102. The Office is requested to withdraw the rejection of amended claim 9 under 35 U.S.C. 102.

Claim 18 has been amended to recite features similar to those features of amended claims 1 and 9 which distinguish from the teachings of Madsen, as discussed above with regard to amended claim 1. Therefore, the Applicant submits that Madsen does not teach each and every feature of amended claim 18. For a claim to be anticipated under 35

U.S.C. 102, each and every feature of the claim must be taught by a single prior art reference. Therefore, the Applicant submits that amended claim 18 is not anticipated by Madsen under 35 U.S.C. 102. The Office is requested to withdraw the rejection of amended claim 18 under 35 U.S.C. 102.

5 Because a dependent claim incorporates each and every feature of its independent claim, the dependent claim is patentable for at least the same reasons as its independent claim. Therefore, each of dependent claims 2, 8, 10, 12-13, 15-17, 19, 21-22, and 24-26 is patentable for at least the same reasons provided for its independent claim. The Office is requested to withdraw the rejections of dependent claims 2, 8, 10, 12-13, 15-17, 19, 21-
10 22, and 24-26 under 35 U.S.C. 102.

Rejections under 35 U.S.C. 103

Claims 3-7, 11, 14, 20, and 23 were rejected under 35 U.S.C. 103(a) as being obvious by Madsen. These rejections are traversed.

15 Because a dependent claim incorporates each and every feature of its independent claim, the dependent claim is patentable for at least the same reasons as its independent claim. Therefore, each of dependent claims 3-7, 11, 14, 20, and 23 is patentable for at least the same reasons provided for its independent claim. The Office is requested to withdraw the rejections of dependent claims 3-7, 11, 14, 20, and 23 under 35 U.S.C. 103.

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The Applicant submits that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Amendment, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP357). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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